UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/451,870	ITO ET AL.
	Examiner	Art Unit	
	Michael Van Handel	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _17 August 2006_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _12-14,16-19,21,22 and 97-103_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _12-14,16-19,21,22 and 97-103_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _10/17/ 2005_

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Response to Amendment

1.   This action is responsive to an Amendment filed 8/17/2006. Claims **12-14, 16-19, 21, 22,**

97-103 are pending. Claims **16, 21** are amended. Claims **15, 20, 23-35, 49-71** are canceled.

Claims **1-11, 36-48, 72-96** are withdrawn. Claims **97-103** are new.

Response to Arguments

1.   Applicant's arguments regarding claims **12, 17,** and **22,** filed 8/17/2006, have been fully

considered, but they are not persuasive.

Referring to claims **12, 17,** and **22,** the applicant argues that Goldschmidt Iki et al. fails to

disclose a description or suggestion of determining whether a program ID and a registered

program ID are coincident. The examiner respectfully disagrees. Goldschmidt Iki et al.

discloses a method and apparatus for providing personalized supplemental programming. A

supplemental programming provider 104 evaluates primary programming information received

from various sources for content that satisfies the predetermined content criteria found within a

user profile for the current user of system 100, and, when the predetermined content criteria of

the user profile is satisfied, supplemental programming provider 104 outputs supplemental

programming associated with the predetermined content criteria (col. 3, l. 18-38). Goldschmidt

Iki et al. also discloses that the supplemental programming provider 104 may be a "set-top" box

(col. 3, l. 52-56). Goldschmidt Iki et al. further discloses that the predetermined content criteria

is saved in user profiles and may include audio content, visual content, or keywords (col. 4, l. 21-

26, 51-59; col. 5, l. 30-41, 57-63; col. 6, l. 4-19; & Fig. 3). Since the audio, visual, or textual

information associated with primary programming is inherently indicative of the program in the

primary programming, the examiner this information to be program IDs. A user enters

personalized content criteria corresponding to the primary programming and associated

supplemental programming to be displayed when the content criteria is satisfied. Since a user

enters personalized content criteria in order to find a programming event in which to display

supplemental programming, the examiner interprets the personalized content criteria to be

registered program IDs. Thus, the examiner maintains that Goldschmidt Iki et al. discloses "a

determiner, arranged to determine whether a program ID indicated by program ID data and a

registered program ID are coincident or not," as currently claimed.

In response to applicant's argument that there is no suggestion to combine the references,

the examiner recognizes that obviousness can only be established by combining or modifying the

teachings of the prior art to produce the claimed invention where there is some teaching,

suggestion, or motivation to do so found either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir.

1992).

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims **12-14, 16-19, 21-22**, and **97-103** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Suzuki et al. in further view of Rajan, Deniau et al., Goldschmidt Iki et al., and

Banker et al.

Referring to claim **12**, Suzuki et al. discloses a receiving apparatus, comprising:

-       a receiver (user terminal), arranged to receive a bit stream (col. 14, l. 40-46),

wherein the bit stream is multiplexed image data (col. 15, l. 46-51) encoded by

MPEG 4 and image data and/or sound data encoded by another coding format

(multiplexed bitstream FS)(the examiner notes that Suzuki et al. discloses a

multiplexed bit stream comprising MPEG 4 and MPEG 2 bit streams, wherein it

is inherent that such data be received for decoding)(col. 13, l. 63-67; col. 14, l.

16-20; col. 16, l. 21-24; & col. 20, l. 43-50);

-       a first decoder (demultiplexer circuit 205, syntax analysis circuit 206/208, and

decoders), arranged to decode the image data encoded by MPEG 4 (col. 13, l.

62-67 & Fig. 1);

-       a second decoder, arranged to decode the image data and/or sound data encoded

by the other coding format (the examiner notes that each of the decoders 207-1

to 207-n decodes an associated bitstream based on a predetermined decoding

method corresponding to the encoding and that the syntax analysis circuit 206

identifies the type and the number of required decoders to supply required

decoders with the respective bitstreams ES1-Esn)(col. 16, l. 3-6, 21-24 & col.

20, l. 43-50);

- a synthesizer, arranged to synthesize the plurality of image data and/or sound

data decoded by said first and second decoders (synthesizer circuit 252 produces

an image signal and supplies it to a display 251 for display)(col. 13, l. 56-59 &

col. 16, l. 42-50).

Suzuki et al. does not specifically disclose a third decoder, arranged to decode at least scene

description data, program ID data, and character command data from system data. Rajan

discloses a scene decoder 122 (Fig. 1) and coded elementary streams comprising video, audio,

graphics, text, etc., that are routed to their respective decoders according to the information

contained in the received descriptors and BIFS streams (p. 3, 4, paragraphs 51, 63). It would

have been obvious to one of ordinary skill in the art at the time that the invention was made to

modify the audio/video (A/V) bitstreams of Suzuki et al. to include system data and a scene

description data decoder, such as that taught by Rajan in order to provide a more enriched

presentation with greater user/provider control. The combination of Suzuki et al. and Rajan does

not specifically teach a character generator arranged to generate character data instructed by the

character command data using internal character data. Deniau et al. discloses a receiver in a

cyclic packet data transmission system with a character generator for generating a video signal

for display (p. 2, paragraph 42). It would have been obvious to one of ordinary skill in the art at

the time that the invention was made to modify the combination of Suzuki et al. and Rajan to

include a character generator, such as that taught by Deniau et al. in order to conserve bandwidth

by alleviating the need to transfer the full image of text. The combination of Suzuki et al., Rajan,

and Deniau et al. does not teach a determiner arranged to determine whether a program ID

indicated by program ID data and a registered program ID are coincident or not. Goldschmidt

Iki et al. discloses a method and apparatus for providing personalized supplemental

programming. Primary programming information from various sources is evaluated for matches

to predetermined program ID data for providing supplements to the primary programming (col.

3, l. 18-48). Goldschmidt Iki et al. further discloses that a user may enter personalized content

criteria (e.g. user specified content criteria) corresponding to a wide variety of media, and the

associated supplemental programming corresponding to the predetermined content criteria (col.

5, l. 57-63). Goldschmidt Iki et al. still further discloses that supplemental programming may

include audio commentary on the received primary programming, video clips interjected in a

pop-window of a television, or text displayed on a television (col. 5, l. 48-53). It would have

been obvious to one of ordinary skill in the art at the time that the invention was made to modify

the combination of Suzuki et al., Rajan, and Deniau et al. to include modifying a presentation

upon matching primary programming information with predetermined, user-defined content

criteria, such as that taught by Goldschmidt Iki et al. in order to allow a user to customize the

display of a program. The combination of Suzuki et al., Rajan, Deniau et al., and Goldschmidt

Iki et al. does not teach character command data, wherein the character command data instructs

the generation of the character data and a layout of a character represented by the generated

character data. Banker et al. discloses a method and apparatus for providing message

information to subscribers in a cable television system, wherein the message definition includes

data which instructs microprocessor 410 to generate an on-screen message alert (Fig. 7).

Character codes and layout of the on-screen message alert are stored in ROM 420 of

microprocessor 410. A message definition transaction instructs microprocessor 410 (character

generator) to supply the appropriate character codes and layout information to on-screen display

control 406 (col. 9, l. 15-26). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the character generation in the combination of Suzuki et al., Rajan, Deniau et al., and Goldschmidt Iki et al. to include internal character data and a command for instructing the generation of the character data and a layout of a character represented by the generated character data, such as that taught by Banker et al. in order to properly display character data and allow an operator to customize the display of characters. The combination of Suzuki et al., Rajan, Deniau et al., Goldschmidt Iki et al., and Banker et al. does not teach a setter arranged to set a user layout to display images represented by a plurality of image data. Rajan discloses a terminal for composing and presenting MPEG-4 video programs wherein the scene description information is coded in to a binary format known as Binary Format for Scene (BIFS). The BIFS data is packetized and multiplexed at a transmission site, such as a cable or satellite television headend before being sent over a communication channel to a terminal 100" (p. 2, paragraph 42). A terminal manager 110 passes the user input events to a composition engine 120 for appropriate handling. For example, a user may enter commands to reposition or change the attributes of certain objects within the scene graph (p. 4, paragraph 68), wherein the composition engine maintains and updates a scene graph of the current objects for display including a scene graph for reproduction of objects for display (p. 4, paragraph 78). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Suzuki et al., Rajan, Deniau et al., Goldschmidt Iki et al., and Banker et al. to include a setter, such as that taught by Rajan in order to allow a user to customize display of programming and user interactivity with such programming, wherein the MPEG-4 communication standard allows a user to interact with video and audio objects within a scene,

whether they are from conventional sources, such as moving video, or from synthetic (computer

generated) sources (p. 1, paragraph 4).

Referring to claim **13**, the combination of Suzuki et al., Rajan, Deniau et al., Goldschmidt

Iki et al., and Banker et al. teaches the apparatus according to claim 12, wherein the second

decoder decodes image data and/or sound data encoded by MPEG 2 (Suzuki et al. col. 20, l. 43-

50).

Referring to claim **14**, the combination of Suzuki et al., Rajan, Deniau et al., Goldschmidt

Iki et al., and Banker et al. teaches the apparatus according to claim 12, further comprising a

reproducer arranged to reproduce the image data and/or sound data synthesized by said

synthesizer (Suzuki et al. col. 13, l. 56-69 & col. 16, l. 42-50).

Referring to claim **16**, the claimed "further comprising a memory for storing the user

layout set by said setter" is met by that discussed in the rejection of claim 12, wherein user

modifies a scene graph that is maintained on a terminal for presentation of programming, the

storing in memory of such information is inherent to the maintaining of the scene graph for

composition purposes. The claimed "in correspondence with information related to a broadcast

program received by said receiver" is also met by that discussed in the rejection of claim 12

wherein the stored scene graph information corresponds to broadcasted video programming as

evidenced by program transmission from a cable and or satellite television headend (Rajan

paragraph 42).

Referring to claims **17-19** and **21**, see the rejections of claims 12-14 and 16, respectively.

Referring to claim **22**, see the rejection of claim 12. Also note the Suzuki et al. reference

discloses an image signal multiplexing apparatus and methods, image signal demultiplexing

apparatus and methods, and transmission media wherein the disclosed processing may be implemented in software or hardware (Suzuki et al. col. 22, l. 15-24).

Referring to claim **97**, the combination of Suzuki et al., Rajan, Deniau et al., Goldschmidt Iki et al., and Banker et al. teaches an apparatus according to claim 16, wherein said memory is capable of storing a plurality of user layouts corresponding to a respective plurality of program IDs, and a user layout of the plurality of user layouts is selected in accordance with the program ID (See rejection of claims 12 and 16 above. Goldschmidt Iki et al. teaches defining a plurality of modifications to be performed on presentations upon identification of predefined user-specified content criteria)(Goldschmidt Iki et al. Fig. 3).

Referring to claim **98**, the combination of Suzuki et al., Rajan, Deniau et al., Goldschmidt Iki et al., and Banker et al. teaches an apparatus according to claim 97. The combination of Suzuki et al., Rajan, Deniau et al., Goldschmidt Iki et al., and Banker et al. does not teach that the program ID is uniquely specified for each program; however, the examiner takes Official Notice that it is notoriously well known within the art to associate a uniquely specified program ID with each program, such that an action can be performed upon identifying the program ID (i.e. recording the television program). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Suzuki et al., Rajan, Deniau et al., Goldschmidt Iki et al., and Banker et al. to include a uniquely specified program ID for each program, such as that taught by the prior art in order to perform pre-defined actions under more specific circumstances.

Referring to claim **99**, the combination of Suzuki et al., Rajan, Deniau et al., Goldschmidt Iki et al., and Banker et al. teaches an apparatus according to claim 98, wherein the user layout

comprises manually-specified, per-MPEG4-object scaling information for scaling an MPEG4 object (Rajan p. 2, 4, paragraphs 44, 68).

Referring to claim **100**, the combination of Suzuki et al., Rajan, Deniau et al., Goldschmidt Iki et al., and Banker et al. teaches an apparatus according to claim 98, wherein the user layout comprises manually-specified, per-MPEG4-object position information for adjusting the position of an MPEG4 object (Rajan p. 4, paragraph 68).

Referring to claim **101**, the combination of Suzuki et al., Rajan, Deniau et al., Goldschmidt Iki et al., and Banker et al. teaches an apparatus according to claim 98, wherein the user layout comprises manually-specified, per-MPEG4-object display/non-display information for controlling the display/non-display of an MPEG4 object (the examiner notes that each MPEG4 object constitutes a node and that nodes can be added or removed)(Rajan p. 2, paragraph 43).

Referring to claim **102**, the combination of Suzuki et al., Rajan, Deniau et al., Goldschmidt Iki et al., and Banker et al. teaches an apparatus according to claim 12, wherein the user layout further effects a change in audio output format (Rajan p. 2, paragraph 45).

Referring to claim **103**, the combination of Suzuki et al., Rajan, Deniau et al., Goldschmidt Iki et al., and Banker et al. teaches an apparatus according to claim 12, wherein the position of an object in the user layout is defined by a) the user shifting the position of the object from a basic layout specified by scene description data (Rajan p. 4, paragraph 68), or b) the user setting the position of the object at an arbitrary position.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael Van Handel whose telephone number is 571-272-5968.

The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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